House No.

Message from His Excellency the Governor recommending legislation relative to authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission.

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

July 28, 2010

To the Honorable Senate and House of Representatives:

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX, I am filing for your consideration the attached legislation entitled, "An Act Authorizing the City of Gardner to Convey Certain Land Under the Control of the Gardner Conservation Commission."

Senator Flanagan, Representative Rice and the Gardner City Council have requested that I file this special legislation on behalf of the City. The purpose of the legislation is to allow the City to convey 3.497 acres of land abutting State Highway Route 2 to the Greater Gardner Industrial Foundation (GGIF). This Article 97 land is a portion of 18 acres acquired by the City to be under the control and administration of the Conservation Commission. The GGIF seeks this land because it is adjacent to 6 parcels already owned by the GGIF and provides visibility from Route 2.

Legislation to achieve these ends, which the City believes to be critical to its community and economic development plans, already has been filed in the Legislature. The drafters of the original bill, however, inadvertently neglected to include the mitigation land required to be granted to the Conservation Commission pursuant to Article 97. Because the City Council approved the bill as a restricted Home Rule, the Legislature is unable to amend the bill without City Council approval. The City Council cannot meet until Monday, August 2, 2010, which is after the deadline to vote on the legislation by roll call.

I urge your early and favorable consideration of this bill, which provides for the appropriate transfer of mitigation land to the Commission.

Respectfully submitted,

DEVAL L. PATRICK, *Governor*.

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

AN ACT AUTHORIZING THE CITY OF GARDNER TO CONVEY CERTAIN LAND UNDER THE CONTROL OF THE GARDNER CONSERVATION COMMISSION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The City of Gardner, acting through its mayor and city council, may convey a certain 2 parcel of land under the control and administration of the Gardner Conservation Commission to the 3 Greater Gardner Industrial Foundation. Said parcel is described as 3.497 Acres on State Highway, Route 4 #2, and more particularly described in a PLAN OF LAND TO BE CONVEYED BY THE CITY OF 5 GARDNER (Owner: Book 28116, Page 331), Gardner, MA, dated July 20, 2009, prepared by Szoc 6 Surveyors. Said parcel further described in a Deed dated November 18, 2002 to the Inhabitants of the 7 City of Gardner in Book 28116, page 331. 8 SECTION 2. In consideration for the conveyance authorized in section 1, the city of Gardner shall

SECTION 2. In consideration for the conveyance authorized in section 1, the city of Gardner shall convey to the Gardner conservation commission a certain parcel of land acquired by the city from Wedgewood Heights Realty Trust by a deed excecuted on May 6, 2010, containing approximately 7.11 acres of land off Clark street and identified on Gardner assessors' map LL-31, block 57E, lot 15A, which was conveyed to the city for conservation purposes. The city of Gardner has accepted the conveyance of that property by vote of the city concil on June 7, 2010, and the approval by the mayor on June 8, 2010.

SECTION 3. The conveyance of said parcel of land shall be subject to the following terms and conditions:

- 1. The Greater Gardner Industrial Foundation shall assume all costs related to the conveyance, including but not limited to appraisals, surveys, legal and filing fees.
 - 2. Consideration paid for said parcel shall be \$7,000.

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- 3. The consideration paid for said parcel shall be used by the Gardner Conservation Commission to support the Commission's efforts to preserve additional open space within the City's Water Supply Protection Districts.
- SECTION 4. This act shall take effect upon its passage.